

REMARKS

The Office Action of October 7, 2005 has been carefully reviewed and these remarks are responsive thereto. Claims 2, 5, 22 and 25 have been canceled. Claims 3-4, 10-20, 23-24 and 30-41 have been withdrawn. Claims 1, 6, 21, and 26 have been amended. Reconsideration of the application in view of the foregoing amendments and following remarks is respectfully requested. Each of the Examiner's rejections is discussed below.

Section 103-Riddell, Sidles and/or Hack

Claims 1,7, 8, 21, 27 and 28 have been rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 2,071,431 to Riddell ("Riddell") in view of either U.S. Patent No. 3,937,979 to Sidles ("Sidles") or U.S. Patent No. 2,9830,149 to Hack ("Hack"). This rejection is respectfully traversed.

Riddell discloses a gym shoe having a marginal edge 10 and fins on a lower surface of its sole. Sidles discloses a shoe 11 having a sole 12 with a plurality of downwardly and rearwardly extending fins 13. Hack discloses a shoe having a plurality of downwardly and rearwardly inclined transverse ribs 18 extending from its sole.

None of Riddell, Sidles, or Hack, alone or in combination discloses or makes obvious a sole having an upper surface and a lower surface and an inner lip projecting downwardly and outwardly from the lower surface and spaced inwardly of a peripheral lip projecting downwardly and outwardly from the lower surface such that a recess is formed between the peripheral lip and the inner lip, as required by independent claim 1. Nor doe any of Riddell, Sidles, or Hack disclose or make obvious a sole secured to the upper having a lower surface, a peripheral lip projecting downwardly and outwardly from the lower surface and extending about the entire

periphery of the sole and an inner lip projecting downwardly and outwardly from the lower surface of the sole and spaced inwardly of the peripheral lip such that a recess is formed between the peripheral lip and the inner lip, as required by independent claim 21.

Neither Riddell, Sidles or Hack discloses the required inner lip spaced inwardly from a peripheral lip. Accordingly, the rejection is improper and should be withdrawn.

Saurwein, and Sidles or Hack

Claims 1, 7-9, 21, and 27-29 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,096,649 to Saurwein ("Saurwein") in view of either Sidles or Hack. This rejection is respectfully traversed.

Saurwein discloses an athletic shoe sole having flanges 24, 30, 36, etc. extending from its sole 10. Sidles discloses a shoe 11 having a sole 12 with a plurality of downwardly and rearwardly extending fins 13. Hack discloses a shoe having a plurality of downwardly and rearwardly inclined transverse ribs 18 extending from its sole.

None of Saurwein, Sidles, or Hack, alone or in combination discloses or makes obvious a sole having an upper surface and a lower surface and an inner lip projecting downwardly and outwardly from the lower surface and spaced inwardly of a peripheral lip projecting downwardly and outwardly from the lower surface such that a recess is formed between the peripheral lip and the inner lip, as required by independent claim 1, or a sole secured to the upper having a lower surface, a peripheral lip projecting downwardly and outwardly from the lower surface and extending about the entire periphery of the sole and an inner lip projecting downwardly and outwardly from the lower surface of the sole and spaced inwardly of the peripheral lip such that a recess is formed between the peripheral lip and the inner lip, as required by independent claim

21.

Neither Saurwein, Sidles or Hack discloses the required inner lip spaced inwardly from a peripheral lip. Accordingly the rejection is improper and should be withdrawn.

Riddell or Saurwein and Sessa

Claims 5, 6, 9, 25 26, and 29 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Riddell or Saurwein in view of U.S. Patent No. 5,918,385 to Sessa ("Sessa"). Sessa is cited as disclosing a plurality of peripheral lips with a recess between the lips that is partially filled. This rejection is respectfully traversed.

Sessa discloses an outsole 10 with a base 12 extending substantially horizontally and a circumferential profile 14 extending substantially vertically upward around the entire periphery of the base 12. Ridges 36a-c are provided on profile 14 to provide a gripping surface on the side of outsole 10.

Riddell discloses a gym shoe having a marginal edge 10 and fins on a lower surface of its sole. Saurwein discloses an athletic shoe sole having flanges 24, 30, 36, etc. extending from its sole 10.

Sessa does not disclose or make obvious the required inner lip projecting downwardly and outwardly from the lower surface of the sole and spaced inwardly of a peripheral lip that projects downwardly and outwardly from the lower surface such that a recess is formed between the peripheral lip and the inner lip, as required by independent claims 1 and 21, from which claims 6, 9, 26 and 29 depend.

The cited peripheral ridges 36a and 36c of Sessa do not project downwardly and outwardly from a lower surface of the sole. Rather, these ridges are positioned on a sidewall of

sole 14 of Sessa. The sole of Sessa is designed such that the profile, or side, of the sole provides enhanced gripping for climbing over extreme terrain. The ridges 36a and 36c are designed to provide a gripping surface on the sidewall of the shoe of Sessa for climbing (See col. 1, lines 14-35; and col. 4, lines 11-13). As specifically noted at col. 4, lines 11-13, these ridges are vertically offset from one another to provide a wider gripping surface. Thus, Sessa explicitly teaches away from a peripheral lip and an inner lip projecting downwardly from the lower surface of a sole.

As discussed above, neither Riddell or Saurwein discloses the required inner lip or peripheral projecting downwardly and outwardly from the lower surface of the sole.

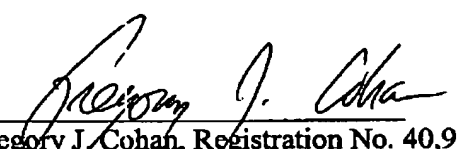
Accordingly the rejection is improper and should be withdrawn.

Conclusion

Pending claims 1, 2, 5-9, 21, 22 and 25-29 are believed to be in form for allowance, and in indication to that effect is respectfully requested. Examination of withdrawn claims 3, 4, 10-20, 23, 24, and 30-41 is respectfully requested at this time. The Commissioner is hereby authorized to charge any fees or credit any overpayments to **Deposit Account No. 19-0733**.

Respectfully submitted,

Dated: January 4, 2006


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As discussed above, neither Riddell or Saurwein discloses the required inner lip or peripheral projecting downwardly and outwardly from the lower surface of the sole.

Accordingly the rejection is improper and should be withdrawn.

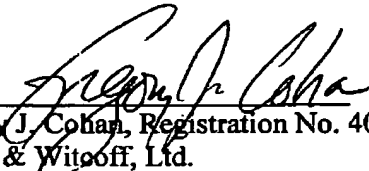
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